

ATTACHMENT A

***Treaty with the Chippewa
Placement of the La Pointe Band (now known as the Bad River Band of
the Lake Superior Tribe of Chippewa Indians) on the Bad River Indian
Reservation, Wisconsin.***

TREATY WITH THE CHIPPEWA, 1854.

Sept. 30, 1854.

10 Stats., 1109.
Ratified Jan. 10, 1855.
Proclaimed Jan. 29,
1855.

Articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and head-men.

Cession to the United
States by the Chippe-
wa of Lake Superior.

ARTICLE 1. The Chippewas of Lake Superior hereby cede to the United States all the lands heretofore owned by them in common with the Chippewas of the Mississippi, lying east of the following boundary-line, to wit: Beginning at a point, where the east branch of Snake River crosses the southern boundary-line of the Chippewa country, running thence up the said branch to its source, thence nearly north, in a straight line, to the mouth of East Savannah River, thence up the St. Louis River to the mouth of East Swan River, thence up the East Swan River to its source, thence in a straight line to the most westerly bend of Vermillion River, and thence down the Vermillion River to its mouth.

Relinquishment to
Chippewa of Missis-
sippi by Chippewa of
Lake Superior.

The Chippewas of the Mississippi hereby assent and agree to the foregoing cession, and consent that the whole amount of the consideration money for the country ceded above, shall be paid to the Chippewas of Lake Superior, and in consideration thereof the Chippewas of Lake Superior hereby relinquish to the Chippewas of the Mississippi, all their interest in and claim to the lands heretofore owned by them in common, lying west of the above boundary-line.

Reservation for
Chippewa of Lake
Superior.

ARTICLE 2. The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following-described tracts of land, viz:

1st. For the L'Anse and Vieux De Sert bands, all the unsold lands in the following townships in the State of Michigan: Township fifty-one north range thirty-three west; township fifty-one north range thirty-two west; the east half of township fifty north range thirty-three west; the west half of township fifty north range thirty-two west, and all of township fifty-one north range thirty-one west, lying west of Huron Bay.

2d. For the La Pointe band, and such other Indians as may see fit to settle with them, a tract of land bounded as follows: Beginning on the south shore of Lake Superior, a few miles west of Montreal River, at the mouth of a creek called by the Indians Ke-che-se-be-we-she, running thence south to a line drawn east and west through the centre of township forty-seven north, thence west to the west line of said township, thence south to the southeast corner of township forty-six north, range thirty-two west, thence west the width of two townships, thence north the width of two townships, thence west one mile, thence north to the lake shore, and thence along the lake shore, crossing Shag-waw-me-quon Point, to the place of beginning. Also two hundred acres on the northern extremity of Madeline Island, for a fishing ground.

3d. For the other Wisconsin bands, a tract of land lying about Lac De Flambeau, and another tract on Lac Court Orielles, each equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed under the direction of the President.

4th. For the Fond Du Lac bands, a tract of land bounded as follows: Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary-line heretofore described, thence north along said boundary-line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning. And if said tract shall contain

less than one hundred thousand acres, a strip of land shall be added on the south side thereof, large enough to equal such deficiency.

5th. For the Grand Portage band, a tract of land bounded as follows: Beginning at a rock a little east of the eastern extremity of Grand Portage Bay, running thence along the lake shore to the mouth of a small stream called by the Indians Maw-ske-gwaw-caw-maw-se-be, or Crarberry Marsh River, thence up said stream, across the point to Pigeon River, thence down Pigeon River to a point opposite the starting-point, and thence across to the place of beginning.

6th. The Ontonagon band and that subdivision of the La Pointe band of which Buffalo is chief, may each select, on or near the lake shore, four sections of land, under the direction of the President, the boundaries of which shall be defined hereafter. And being desirous to provide for some of his connections who have rendered his people important services, it is agreed that the chief Buffalo may select one section of land, at such place in the ceded territory as he may see fit, which shall be reserved for that purpose, and conveyed by the United States to such person or persons as he may direct.

7th. Each head of a family, or single person over twenty-one years of age at the present time of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected by them under the direction of the President, and which shall be secured to them by patent in the usual form.

ARTICLE 3. The United States will define the boundaries of the reserved tracts, whenever it may be necessary, by actual survey, and the President may, from time to time, at his discretion, cause the whole to be surveyed, and may assign to each head of a family or single person over twenty-one years of age, eighty acres of land for his or their separate use; and he may, at his discretion, as fast as the occupants become capable of transacting their own affairs, issue patents therefor to such occupants, with such restrictions of the power of alienation as he may see fit to impose. And he may also, at his discretion, make rules and regulations, respecting the disposition of the lands in case of the death of the head of a family, or single person occupying the same, or in case of its abandonment by them. And he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart. And he may also make such changes in the boundaries of such reserved tracts or otherwise, as shall be necessary to prevent interference with any vested rights. All necessary roads, highways, and railroads, the lines of which may run through any of the reserved tracts, shall have the right of way through the same, compensation being made therefor as in other cases.

Survey and patents
of reservation.

ARTICLE 4. In consideration of and payment for the country hereby ceded, the United States agree to pay to the Chippewas of Lake Superior, annually, for the term of twenty years, the following sums, to wit: five thousand dollars in coin; eight thousand dollars in goods, household furniture and cooking utensils; three thousand dollars in agricultural implements and cattle, carpenter's and other tools and building materials, and three thousand dollars for moral and educational purposes, of which last sum, three hundred dollars per annum shall be paid to the Grand Portage band, to enable them to maintain a school at their village. The United States will also pay the further sum of ninety thousand dollars, as the chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of six thousand dollars, in agricultural implements, household furniture, and cooking utensils, to be distributed at the next annuity payment, among the mixed bloods of said nation. The United States will also furnish two hundred guns, one hundred rifles, five hundred beaver-traps, three hundred dollars' worth of ammuni-

Payments for said
cession.

tion, and one thousand dollars' worth of ready-made clothing, to be distributed among the young men of the nation, at the next annuity payment.

Blacksmiths and assistants.

ARTICLE 5. The United States will also furnish a blacksmith and assistant, with the usual amount of stock, during the continuance of the annuity payments, and as much longer as the President may think proper, at each of the points herein set apart for the residence of the Indians, the same to be in lieu of all the employees to which the Chippewas of Lake Superior may be entitled under previous existing treaties.

Annuities not to be withheld for debt, but may be for depredations.

ARTICLE 6. The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction for depredations committed by them shall be made by them in such manner as the President may direct.

Spirituuous liquors.

ARTICLE 7. No spirituuous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the Territory hereby ceded, until otherwise ordered by the President.

Division between Chippewa of Mississippi and of Lake Superior of benefits of former treaties.

ARTICLE 8. It is agreed, between the Chippewas of Lake Superior and the Chippewas of the Mississippi, that the former shall be entitled to two-thirds, and the latter to one-third, of all benefits to be derived from former treaties existing prior to the year 1847.

Arrearages.

ARTICLE 9. The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians, for arrearages of annuity or other thing, under the provisions of former treaties, shall be paid as the chiefs may direct.

Preemption.

ARTICLE 10. All missionaries, and teachers, and other persons of full age, residing in the territory hereby ceded, or upon any of the reservations hereby made by authority of law, shall be allowed to enter the land occupied by them at the minimum price whenever the surveys shall be completed to the amount of one quarter-section each.

Annuities, how paid.

ARTICLE 11. All annuity payments to the Chippewas of Lake Superior, shall hereafter be made at L'Anse, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the homes hereby set apart for them. And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.

Stipulations for Bois Forte Indians.

ARTICLE 12. In consideration of the poverty of the Bois Forte Indians who are parties to this treaty, they having never received any annuity payments, and of the great extent of that part of the ceded country owned exclusively by them, the following additional stipulations are made for their benefit. The United States will pay the sum of ten thousand dollars, as their chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of ten thousand dollars, in five equal annual payments, in blankets, cloth, nets, guns, ammunition, and such other articles of necessity as they may require.

They shall have the right to select their reservation at any time hereafter, under the direction of the President; and the same may be equal in extent, in proportion to their numbers, to those allowed the other bands, and be subject to the same provisions.

They shall be allowed a blacksmith, and the usual smithshop supplies, and also two persons to instruct them in farming, whenever in the opinion of the President it shall be proper, and for such length of time as he shall direct.

It is understood that all Indians who are parties to this treaty, except the Chippewas of the Mississippi, shall hereafter be known as the Chippewas of Lake Superior. *Provided*, That the stipulation by which the Chippewas of Lake Superior relinquishing their right to land west

of the boundary-line shall not apply to the Bois Forte band who are parties to this treaty.

ARTICLE 13. This treaty shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Henry C. Gilbert, and the said David B. Herriman, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewas of Lake Superior and the Mississippi, have hereunto set their hands and seals, at the place aforesaid, this thirtieth day of September, one thousand eight hundred and fifty-four.

Henry C. Gilbert,
David B. Herriman,
Commissioners.

Richard M. Smith, Secretary.

La Pointe Band:

Ke-che-waish-ke, or the Buffalo,
1st chief, his x mark. [L. s.]

Chay-che-que-oh, 2d chief, his x
mark. [L. s.]

A-daw-we-ge-zhick, or Each Side
of the sky, 2d chief, his x
mark. [L. s.]

O-ske-naw-way, or the Youth, 2d
chief, his x mark. [L. s.]

Maw-caw-day-pe-nay-se, or the
Black Bird, 2d chief, his x
mark. [L. s.]

Naw-waw-naw-quot, headman, his
x mark. [L. s.]

Ke-wain-zeence, headman, his x
mark. [L. s.]

Waw-haw-ne-me-ke, or the White
Thunder, 2d chief, his x mark. [L. s.]

Pay-law-me-say, or the Soarer, 2d
chief, his x mark. [L. s.]

Naw-waw-ge-waw-nose, or the Lit-
tle Current, 2d chief, his x
mark. [L. s.]

Maw-caw-day-waw-quot, or the
Black Cloud, 2d chief, his x
mark. [L. s.]

Me-she-naw-way, or the Disciple,
2d chief, his x mark. [L. s.]

Key-me-waw-naw-um, headman,
his x mark. [L. s.]

She-gog headman, his x mark. [L. s.]

Ontonagon Band:
O-cun-de-cun, or the Buoy 1st chief,
his x mark. [L. s.]

Waw-say-ge-zhick, or the Clear
Sky, 2d chief, his x mark. [L. s.]

Keesh-ke-taw-wug, headman, his
x mark. [L. s.]

L'Anse Band:
David King, 1st chief, his x mark. [L. s.]

John Southwind, headman, his x
mark. [L. s.]

Peter Marksman, headman, his x
mark. [L. s.]

Naw-taw-me-ge-zhick, or the First
Sky, 2d chief, his x mark. [L. s.]

Aw-se-neece, headman, his x mark. [L. s.]

Vieux De Sert Band:
May-dway-aw-she, 1st chief, his x
mark. [L. s.]

Pooh-quay-gin, or the Leather, 2d
chief, his x mark. [L. s.]

Grand Portage Band:
Shaw-gaw-naw-sheence, or the Lit-
tle Englishman, 1st chief, his
x mark. [L. s.]

May-mosh-caw-wosh, headman,
his x mark. [L. s.]

Aw-de-konse, or the Little Rein-
deer, 2d chief, his x mark. [L. s.]

Way-we-ge-wam, headman, his x
mark. [L. s.]

Fond Du Lac Band:
Shing-goope, or the Balsom, 1st
chief, his x mark. [L. s.]

Mawn-go-sit, or the Loon's Foot,
2d chief, his x mark. [L. s.]

May-quaw-me-we-ge-zhick, head-
man, his x mark. [L. s.]

Keesh-kaw-k, headman, his x
mark. [L. s.]

Caw-taw-waw-be-day, headman,
his x mark. [L. s.]

O-saw-gee, headman, his x mark. [L. s.]

Ke-che-aw-ke-wain-ze, headman,
his x mark. [L. s.]

Naw-gaw-nub, or the Foremost Sit-
ter, 2d chief, his x mark. [L. s.]

Ain-ne-maw-sung, 2d chief, his x
mark. [L. s.]

Naw-aw-bun-way, headman, his x
mark. [L. s.]

Wain-ge-maw-tub, headman, his
x mark. [L. s.]

Aw-ke-wain-zeence, headman, his
x mark. [L. s.]

Shay-way-be-nay-se, headman, his
x mark. [L. s.]

Paw-pe-oh, headman, his x mark. [L. s.]

Lac Court Oreille Band:
Aw-ke-wain-ze, or the Old Man,
1st chief, his x mark. [L. s.]

Key-no-zhance, or the Little Jack
Fish, 1st chief, his x mark. [L. s.]

Key-che-pe-nay-se, or the Big
Bird, 2d chief, his x mark. [L. s.]

Ke-che-waw-be-shay-she, or the
Big Martin, 2d chief, his x
mark. [L. s.]

Waw-be-shay-sheence, headman,
his x mark. [L. s.]

Quay-quay-cub, headman, his x
mark. [L. s.]

Shaw-waw-no-mie-tay, headman,
his x mark. [L. s.]

Nay-naw-ong-gay-be, or the Dress-
ing Bird, 1st chief, his x mark. [L. s.]

O-zhaw-waw-sco-ge-zhick, or the
Blue Sky, 2d chief, his x
mark. [L. s.]

I-yaw-banse, or the Little Buck,
2d chief, his x mark. [L. s.]

TREATY WITH THE CHOCTAW AND CHICKASAW, 1854.

Ke-che-e-nin-ne, headman, his x mark.	[L. s.]	The Mississippi Bands:	
Haw-daw-gaw-me, headman, his x mark.	[L. s.]	Que-we-san-se, or Hole in the Day, head chief, his x mark.	[L. s.]
Way-me-te-go-she, headman, his x mark.	[L. s.]	Caw-nawn-daw-waw-win-zo, or the Berry Hunter, 1st chief, his x mark.	[L. s.]
Pay-me-ge-wung, headman, his x mark.	[L. s.]	Waw-bow-jieg, or the White Fisher, 2d chief, his x mark.	[L. s.]
Lac Du Flambeau Band:		Ot-taw-waw, 2d chief, his x mark.	[L. s.]
Aw-mo-se, or the Wasp, 1st chief, his x mark.	[L. s.]	Que-we-zhan-cis, or the Bad Boy, 2d chief, his x mark.	[L. s.]
Ke-nish-te-no, 2d chief, his x mark.	[L. s.]	Bye-a-jick, or the Lone Man, 2d chief, his x mark.	[L. s.]
Me-ge-see, or the Eagle, 2d chief, his x mark.	[L. s.]	I-yaw-shaw-way-ge-zhick, or the Crossing Sky, 2d chief, his x mark.	[L. s.]
Kay-kay-co-gwaw-nay-aw-she, headman, his x mark.	[L. s.]	Maw-caw-day, or the Bear's Heart, 2d chief, his x mark.	[L. s.]
O-che-chog, headman, his x mark.	[L. s.]	Ke-way-de-no-go-nay-be, or the Northern Feather, 2d chief, his x mark.	[L. s.]
Nay-she-kay-gwaw-nay-be, headman, his x mark.	[L. s.]	Me-squaw-dace, headman, his x mark.	[L. s.]
O-saw-bay-wis, or the Waiter, 1st chief, his x mark.	[L. s.]	Naw-gaw-ne-gaw-bo, headman, his x mark.	[L. s.]
Que-we-zance, or the White Fish, 2d chief, his x mark.	[L. s.]	Wawm-be-de-yea, headman, his x mark.	[L. s.]
Ne-gig, or the Otter, 2d chief, his x mark.	[L. s.]	Waish-key, headman, his x mark.	[L. s.]
Nay-waw-che-ge-ghick-may-be, headman, his x mark.	[L. s.]	Caw-way-caw-me-ge-skung, headman, his x mark.	[L. s.]
Quay-quay-ke-cah, headman, his x mark.	[L. s.]	My-yaw-ge-way-we-dunk, or the One who carries the Voice, 2d chief, his x mark.	[L. s.]
Bois Forte Band:		John F. Godfroy,	} Interpreters.
Kay-baish-caw-daw-way, or Clear Round the Prairie, 1st chief, his x mark.	[L. s.]	Geo. Johnston,	
Way-zaw-we-ge-zhick-way-sking, headman, his x mark.	[L. s.]	S. A. Marvin,	
O-saw-we-pe-nay-she, headman, his x mark.	[L. s.]	Louis Codot,	
		Paul H. Beaulieu,	
		Henry Blatchford,	
		Peter Floy,	

Executed in the presence of—

Henry M. Rice,
J. W. Lynde,
G. D. Williams,
B. H. Connor,
E. W. Muldough,
Richard Godfroy,

D. S. Cash,
H. H. McCullough,
E. Smith Lee,
Wm. E. Vantassel,
L. H. Wheeler.

TREATY WITH THE CHOCTAW AND CHICKASAW, 1854.

Nov. 4, 1854.
10 Stat. 1116.
Ratified Feb. 28,
1855.
Proclaimed Apr. 10,
1855.

Preamble.

Whereas a convention and agreement was made and entered into by the Choctaw and Chickasaw Indians, at Doaksville, near Fort Towson, in the Choctaw country, on the seventeenth day of January, A. D. one thousand eight hundred and thirty-seven; and, whereas, difficulties have arisen between said tribes in regard to the line of boundary, between the Chickasaw district and other districts of the Choctaw nation, described in article second of said convention and agreement; and, whereas, it is the desire of the said tribes, that there shall no longer exist any dispute in regard to the boundary of the Chickasaw district, the undersigned, Thomas J. Pitchlynn, Edmund McKenny, R. M. Jones, Daniel Folsom, and Samuel Garland, commissioners duly appointed and empowered by the Choctaw tribe of red people; and Edmund Pickens, Benjamin S. Love, James T. Gaines, Sampson Folsom, and Edmund Perry, commissioners duly appointed and empowered by the Chickasaw tribe of Indians, to settle all matters in dispute between their respective tribes, which require new articles of agreement between them, have solemnly made the following articles of convention and agreement, on the fourth day of November, A. D. one

ATTACHMENT B

Bad River Tribal Constitution and ByLaws

**BAD RIVER BAND OF THE LAKE SUPERIOR CHIPPEWA INDIANS
CONSTITUTION AND BY-LAWS**

AMENDED

**CONSTITUTION AND BYLAWS
OF THE BAD RIVER BAND OF
THE LAKE SUPERIOR TRIBE OF
CHIPPEWA INDIANS
OF THE STATE OF WISCONSIN**

APPROVED JUNE 20, 1936

We, the Bad River Band of Lake Superior Tribe of Chippewa Indians of the State of Wisconsin in order to organize as a tribe for the common welfare of ourselves and our posterity and to insure domestic tranquility; to conserve and develop our natural resources; to form business and other organizations; to enjoy certain rights of home rule; to provide for our people education in vocational and trade schools and institutions of higher learning; do ordain and establish this Constitution according to the Act of Congress, dated June 18, 1934 (48 Stat. L 984).

**ARTICLE I - TERRITORY AND
JURISDICTION**

Section 1. The territory of this Band shall extend to all lands embraced within the original boundary lines of the Bad River Reservation defined in the Treaty of September 30, 1854, and to land acquired or reserved within or without said boundary lines by or on behalf of the Bad River Band, except as otherwise provided by law.

Section 2. The jurisdiction of this Band shall extend to all lands defined in Section 1 of this Article, and further, for the purposes of exercising and regulating the exercise of rights

to hunt, fish, trap and gather, the jurisdiction of the Band shall extend to all lands wherein such rights are reserved by Treaties of July 2, 1837, October 4, 1842, and September 30, 1854.

ARTICLE II - MEMBERSHIP

Section 1. For the purpose of membership in this Band under this Constitution, the following shall be included:

(a) All persons of the Bad River Chippewa Indian blood, whose name appears on any official allotment rolls of the Bad River Reservation, the names of all these Indians shall be entered on a roll and this roll shall be known as the "Basic Membership Roll".

(b) Any lineal descendant of a member whose name appears on the "Basic Roll, " and, PROVIDED, such person is not enrolled with another tribe, band, or group of Indians.

(c) Living lineal descendants, born prior to the effective date of this amendment, shall identify themselves, by filing an enrollment application with the Membership Committee within six (6) months after the effective date of this amendment. All descendants born after the effective date of this amendment shall be identified for enrollment by an application filed with the Membership Committee, by the parents or guardian, within sixty (60) days after birth of descendant. Living lineal descendants who have not been enrolled within this time period will then have to apply for membership through the adoption process.

(d) There shall be no extension of enrollment period beyond cutoff dates as defined in Section 1 (c). Article II - Membership. There shall be no such cutoff date for adoption.

The first ad hoc election committee shall determine the date and place for the caucus and place for the first Tribal election.

(c) The committee shall preside over both the caucus and the Tribal Council election.

(d) The committee shall administer the oath of office to the candidates duly elected to office.

(e) If any member of the election committee is nominated as a candidate for office, and if that

member chose to run, then that member shall resign from the election committee, immediately upon conclusion of the caucus. Vacancy to be filled by the incumbent Tribal Council.

(f) All regulations pertaining to the Tribal caucus and the Tribal Council election, drafted by the election committee, shall be submitted to the Tribal Council. The Tribal Council, on approval, shall by resolution enact the proposed regulation.

Section 3. Seven (7) candidates shall be elected to serve on the Tribal Council at the first election after the effective date of this amendment.

The Tribal Chairperson, Treasurer, and the two Senior Council Members shall serve two (2) year terms beginning with the first election.

The office of Tribal Chairperson shall be a full time occupation and shall pay a livable salary.

The Tribal Vice-Chairperson, Secretary, and one Junior Council Member shall serve a one-year term beginning with the first election. Thereafter, the Tribal Vice-Chairman, Secretary and one Junior Council Member shall serve two (2) year terms beginning with their second election.

The Band member in caucus shall nominate candidates for each specific Tribal Council position.

Of the candidates nominated for office, the one receiving the largest number of votes for each specific office shall be deemed elected, with the exception of the two Senior Council members, in which instance, the two candidates receiving the largest number of votes shall be deemed elected.

Section 4. In any Tribal Council election, the defeated candidate receiving the largest number of votes, is designated the first alternate. The defeated candidate receiving the next largest number of votes, is designated the second alternate. The defeated candidate receiving the next largest number of votes, is designated the third alternate.

Where there is a vacancy on the Tribal Council, the Tribal Council shall appoint the designated alternate to serve for the remainder of the unexpired term of that office. The alternate shall retain their designations for two (2) years only.

Section 5. The Tribal Council shall have authority to appoint subordinate officers, boards, and committees, and to define their duties.

ARTICLE IV - ELECTIONS

Section 1. Qualified voters shall be all members of the Bad River Band of Chippewa Indians 18 years of age or older, on the day of the election.

(a) Qualified voters may vote in absentee by requesting an absentee ballot in writing from the election committee thirty (30) days prior to election day.

Section 1. Enumerated powers. The Tribal Council shall exercise the following powers, subject to any limitations imposed by the Constitution or statutes of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached Bylaws.

enterprises of the Band in accordance with the terms of the charter which may be issued to the Band by the Secretary of the Interior.

(a) To negotiate with the Federal, State, and local governments on behalf of the Band, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Bad River Band of the Lake Superior Tribe of Chippewa Indians.

(g) To appropriate for public purposes of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin available Tribal Council funds, and subject to review by the Secretary of the Interior, and other available tribal funds.

(b) To employ counsel for the protection and advancement of the rights of the Band and its member, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(h) To levy taxes upon members of the Band and/or their property and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members of their property located within the Reservation; PROVIDED, however, that any such assessment upon members of the Band shall have the approval of a majority of the voters of the Band at a special election at which at least thirty (30) percent of the eligible voters of the Band shall vote.

(c) To approve or veto any sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or be sold or encumbered, or leased for a period exceeding ten (10) years, except for governmental purposes, except that leases for mining purposes may be made for such longer periods as may be authorized by law.

(i) To purchase lands of members of the Band for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(d) To advise with the Secretary of the Interior with regard to all appropriations, estimates or federal projects for the benefit of the Band prior to the submission of such estimates to the Office of Management and Budget and to Congress.

(j) To regulate by enactment of ordinances the conduct of business within the exterior boundaries of the Bad River Reservation including the power to impose taxes and license fees upon members and non-members during business within the Bad River Reservation.

(k) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Bad River Reservation, subject to review by the Secretary of the Interior.

(e) To make assignments of Tribal land to members of the Band in conformity with Article VIII of this Constitution.

(l) To regulate the manner of making nominations and holding elections for Tribal officers.

(f) To manage all economic affairs and

(m) To adopt resolutions regulating the procedure of the Tribal Council itself and of

same in the public interest.

(s) To exclude from the restricted lands of the reservation, persons not legally entitled to reside thereon, under ordinances which shall be subject to review by the Secretary of the Interior.

(t) To regulate, by enactment of ordinances, the activities of hunting, fishing, ricing, trapping, boating, snowmobiling, and recreational vehicles by members and non-members within the exterior boundaries of the Bad River Reservation, as defined in Article I - Section 1 of the Constitution, including the power to limit boat and motor sizes of members and non-members, to levy taxes or license fees upon members and non-members for such activities.

(u) To delegate to subordinate boards, or Tribal officials, or to cooperative associations, that are open to all members of the Tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(v) To bring suit in any State or Federal Court to enforce any of the Band's Tribal Ordinances.

(w) To enact ordinances governing the planning, zoning and other use regulating to all lands and water areas within the exterior boundaries of the Bad River Reservation regardless of land ownership.

(x) To authorize the Tribal Council to bring suit in any State or Federal Court to collect judgments or fines that are assessed against a defendant by the Tribal Court.

(y) To regulate by enactment of ordinances the exercise of rights to hunt, fish, trap and gather within the lands described in Article I, Section 2.

review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of its enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days of its enactment, he shall advise the Tribal Council of his reasons therefore. If these reasons appear to the Tribal Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

Section 3. Future Powers. The Tribal Council may exercise such further powers as may in the future be delegated to the Band by the Secretary of the Interior, or by any duly authorized official or agency of the State or Federal Government.

Section 4. Reserved Powers. Any rights and powers heretofore vested in the Bad River Band, but not expressly referred to in this Constitution, shall not be abridged by the Article, but may be exercised by the people of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin through the adoption of appropriate Bylaws and Constitutional Amendments.

ARTICLE VII - REFERENDUM

Section 2. Any resolution or ordinance which, by the terms of the Constitution, is subject to

Section 1. The exercise of any enumerated powers lodged in the Tribal Council shall be

The Tribal Council may, if it sees fit, charge a fee on approval of a standard assignment.

Section 6. If any person holding a standard assignment of land shall, for a period of one (1) year, fail to use the lands so assigned, or shall use the land for any unlawful purpose, his assignment may be cancelled by the Tribal Council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon death of any Indian holding a standard assignment, his heirs or other individuals designated by him in writing shall have preference in the reassignment of land, provided such persons are eligible to receive a standard assignment.

Section 7. Any member of the Bad River Band who owns an allotment of land or any share in heirship land or any deeded land, may with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land, to the Band and receive therefore an assignment in the same land or other land of equal value or he may receive a proportionate share in a unit of agricultural or other lands.

Assignments made under this section shall be known as "exchange assignments."

Section 8. Exchange assignments may be used by the assignee or leased to him to cooperative associations of members of the Band, to individual members of the Band, or if no individual member or cooperative association of members is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

Section 9. Upon death of a holder of an exchange assignment such lands shall be reassigned by the Tribal Council his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir

or devisee who is not a member of the Bad River Band, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already owns or hold more than an economic unit of land.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management, and no assignment shall be subdivided into units smaller than two and one-half (2½) acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties.

Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council may issue to the eligible heirs or devisees interests in Tribal lands or property of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for assignment of the same as other Tribal land.

Section 10. Improvements of any character made upon assigned land may be willed to and inherited by members of the Bad River Band. When improvements are not possible of fair division, the Tribal Council shall dispose of them under such regulations as it may provide for the benefit of such heirs. No permanent improvements may be removed from any Tribal or assigned land without the consent of the Tribal Council.

Section 11. No member of the Bad River Band may use or occupy Tribal lands except under an assignment or lease.

Section 12. Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Council for the benefit

**BYLAWS OF THE BAD RIVER
BAND OF THE LAKE SUPERIOR**

TRIBE OF

CHIPPEWA INDIANS

**ARTICLE I - DUTIES OF
OFFICERS**

Section 1. The Chairman of the Tribal Council shall preside at all meetings of the Council. He shall also be the presiding officer at any general Council meeting which may be duly called in accordance with these Bylaws. He shall at all times have general supervision of the affairs of the Tribal Council and such matters as naturally pertain to the general welfare of the community. It shall also be the duty of the Chairman to countersign all checks against funds of the organization by the Treasurer. He shall vote only in a case of a tie. The Chairman shall be an ex officio member of all subordinate boards and committees.

Section 2. In the absence of the Chairman, the Vice-Chairman shall preside at all meetings of the Tribal Council and shall act in his stead in all matters pertaining to the office of the Chairman.

Section 3. The Secretary shall keep an accurate record of all proceedings of the Tribal Council and furnish copies thereof to the Superintendent and the Commissioner of Indian Affairs. He shall attend to the keeping of the official records of the Tribal Council and shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Tribal Council and the Band. All official records of the Tribal Secretary shall be open to inspection by the members of the Band at all times. The Secretary shall be ex officio member of all subordinate boards and committees.

Section 4. The Treasurer will be the custodian of all funds in possession of the Band from any source. He shall be under bond to a surety company of recognized standing in an amount to be determined by the Tribal Council, such surety company and bond to be approved by the Commissioner of Indian Affairs. He shall keep an accurate record of all such funds and shall disburse the same in accordance with the vote of the Tribal Council and in accordance with this Constitution and Bylaws. The books of the Treasurer containing the financial status of the Band shall be open to audit and examination by the duly authorized officers of the Secretary of the Interior at all times.

The records of the Treasurer shall be open to inspection by members of the Tribal Council and its officers.

Section 5. The subordinate officers, boards, and committees of the Tribal Council shall perform duties as the Tribal Council shall provide, by resolution, from time to time.

**AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
BAD RIVER BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS
OF WISCONSIN**

I, Harold, L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Bad River Band of the Lake Superior Chippewa Indians of the Bad River Reservation.

AMENDMENT A

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared inapplicable to the Bad River Band of the Lake Superior Tribe of Chippewa Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended June 12, 1936.

s/John Collier,
Commission of Indian Affairs
s/Harold L. Ickes,
Secretary of the Interior

(SEAL)

Washington, D.C. June 20, 1936

This Constitution and Bylaws includes the following amendments;

Amendment I
Approved December 1, 1942
Amendment II
Approved October 31, 1944
Amendment III through XII
Approved April 25, 1977
Amendment XIII through XXVIII
Approved March 8, 1978

ARTICLE I - Territory shall be amended as set forth below and a new subsection shall be added to Section 1 of ARTICLE VI as set forth below:

**ARTICLE I - TERRITORY AND
JURISDICTION**

Section 1. The territory of this Band shall extend to all lands embraced within the original boundary lines of the Bad River Reservation defined in the Treaty of September 30, 1854, and to land acquired or reserved within or without said boundary lines by or on behalf of the Bad River Band, except as otherwise provided by law.

Section 2. The jurisdiction of this Band shall extend to all lands as defined in Section 1 of this Article, and further, for the purposes of exercising and regulating the exercise of rights to hunt, fish, trap and gather, the jurisdiction of the Band shall extend to all lands wherein such rights are reserved by Treaties of July 2, 1837, October 4, 1842, and September 30, 1854.

ARTICLE VI - POWERS, Section 1

- (y) To regulate by enactment of ordinances the exercise of rights to hunt, fish, trap and gather
- within the lands described in Article I, Section 2.

- (AMENDMENT XXIX PASSED BY
SECRETARIAL ELECTION DATED
12/17/83)

ATTACHMENT C

Bad River Tribal Codes Sections 103 and 106

CHAPTER 103 - ESTABLISHMENT AND DUTIES

Section 103.1

The Tribal Council hereby establishes a Tribal Court which shall have jurisdiction as provided by Section 106 or other applicable tribal law.

Section 103.2

Anyone entering the Bad River Reservation consents to the jurisdiction of the Bad River Tribal Court.

Section 103.3

The Court shall consist of one chief judge to be selected by the Tribal Council and such associate judges as the Council may deem necessary.

Section 103.4

All penalties and forfeitures assessed shall be in accordance with the provisions adopted in this code. In no case, however, shall a fine exceed \$5,000.00 or a term of incarceration exceed one year for each violation.

Section 103.5

The Court will convene at such location and at such times as shall be designated by the Court.

Section 103.6

The Court shall collect all fines, forfeitures and other monies generated through enforcement of Tribal Ordinances.

Section 103.7

All receipts shall be disposed of as prescribed by Tribal Council.

Section 103.8

Court personnel shall be selected under standards established by the Tribal Council.

Section 103.9

A Court of Appeals is hereby established, consisting of the judges of other tribal courts who from time to time consent to sit on a panel of three judges to hear appeals cases.

Section 103.10

A Court of Appeals panel, consisting of three judges, shall be selected by the Clerk of the Court of Appeals upon the proper filing of appeal.

CHAPTER 104 - JUDGES

Section 104.1

Any person over the age of 30 who is generally knowledgeable in the laws applicable upon the Bad River Reservation shall be eligible for appointment as judge.

Section 104.2

Any judge of the Bad River Tribal Court may be suspended, dismissed, or removed after written notice and fair hearing in executive session, by a two thirds vote of the Tribal Council for just cause. Each judge shall be appointed for a term of six (6) years, unless sooner removed for cause, or unless elected to the Tribal Council, and shall be eligible for reappointment.

Section 104.3

No individual shall serve as judge while serving as a member of the Tribal Council or as a tribal law enforcement officer. The duties of any judge who is nominated for election to the Tribal Council shall be transferred to other judges of the court pending the election. If the judge shall be elected to the

CHAPTER 106 - JURISDICTION

Section 106.1

(a) The Bad River Tribal Court shall have jurisdiction over all matters in the following categories:

(1) All actions arising between persons situated on the Bad River Reservation in relation to property or events upon the reservation.

(2) All actions arising out of events or occurrences on the Bad River Reservation, regardless of whether the individuals who are parties thereto reside on or off the reservation or are members or non-members of the Tribe.

(3) All alleged violations of ordinances duly in effect upon the Bad River Reservation whether the alleged violator is a member or non-member of the Bad River Band or resides on or off the Bad River Reservation.

(4) All alleged violations of ordinances duly in effect pertaining to hunting, fishing, trapping or gathering by members in the territory described in Article I, Section 2 of the Bad River Constitution.

(5) Any other case otherwise provided by tribal ordinance.

(b) If any court of competent jurisdiction determines that the Tribal Court cannot lawfully assert jurisdiction over any class of individuals or claims as described in para. (a), above, the assertion of jurisdiction over all remaining classes of individuals or claims shall not be effected thereto.